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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,612	02/09/2001	Hakon Nordquist	P65287US1	5741
136	7590	03/17/2004		
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			EXAMINER EVANS, GEOFFREY S	
			ART UNIT 1725	PAPER NUMBER

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/779,612	Applicant(s) NORDQUIST ET AL.	
	Examiner Geoffrey S Evans	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,25,26,28,29 and 36-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-42 is/are allowed.
- 6) ☒ Claim(s) 1,2,25,26,28,29 and 37 is/are rejected.
- 7) ☒ Claim(s) 36 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20031201</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee, Jr. in U.S. Patent No. 4,530,507. Lee, Jr. discloses a fixed carrier structure (28), a holder (elements 36 and 42) that includes a vibration damper (element 50). As shown in figure 4, bolts 40 are used to bolt the holder to the support structure.
3. Claims 1,2,25,26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kowalski et al. in U.S. Patent No. 4,309,849. Kowalski et al. discloses a workpiece (22), a holder (34) including parts for holding the workpiece (42,46) that are made of a rubbery material (see column 3, lines 12-14), and a carrier structure (spindle 54). The fastener 62 is screwed to ensure accurate positioning and direct contact between the holder and the workpiece.
4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Nogami et al. in Japan Patent No. 8-117,968. Nogami et al. has a holder with holding parts (39,40) for holding the workpiece (A) and holding parts (41) for connecting the holder to a carrier structure (see element 11 in figure 1), and at least one vibration damper (element 22).

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski et al. in view of United Kingdom Patent No. 1,051,548. United Kingdom Patent No. 1,051,548 teaches having the dampening material (element 22) in a recess of the carrier (element 18). It would have been obvious to adapt Kowalski et al. in view of United Kingdom Patent No. 1,051,548 to provide this to ensure that the dampening material is in the proper position.

7. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsumori in United Kingdom Patent No. 2,224,679 in view of United Kingdom Patent No. 1,051,548. Mitsumori has a chuck (element 8), with attachment elements (screws 8) for connection to a table as disclosed on page 4, lines 18-25, but does not disclose using a vibration damper. United Kingdom Patent No. 1,051,548 teaches using a workpiece holder with a vibration damper (element 16). It would have been obvious to adapt Mitsumori in view of United Kingdom Patent No. 1,051,548 to provide this to dampen vibrations during machining.

8. Claim 37 is rejected under United Kingdom Patent No. 1,051,548 in view of Mitsumori in United Kingdom Patent No. 2,224,679. United Kingdom Patent No. 1,051,548 has a chuck for holding a workpiece holder with dampening means, but does not recite a table. Mitsumori teaches a chuck (element 8), with

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attachment elements (screws 8) for connection to a table. It would have been obvious to adapt United Kingdom Patent No. 1,051,548 in view of Mitsumori to provide this to move the chuck on a table.

9. Applicant's arguments filed 1 December 2003 have been fully considered but they are not persuasive. Applicant argues that in the present invention "the vibration dampers are not in contact with the workpiece directly" while in Lee and Kowalski this is the case. However the current language in the claims do not preclude the vibration dampers from being in direct contact with the workpiece. Regarding the Nogami et al. reference, it is supports the workpiece during machining (hammering). Since Applicant did not present a special definition of the word "machining", the word "machining" is given its normal definition, which is broad enough to encompass manual machining by hammering of the workpiece.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Claims 36 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 39-42 are allowed.

13. The information disclosure statement filed 1 December 2003 fails to comply with 37 CFR 1.97(c) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered. The statement in the REMARKS of 1 December 2003 failed to state that U.S. Patent No. 4,900,890 was first cited in any communication from the foreign patent office in a counterpart foreign application not more than three months prior to filing of the information disclosure statement.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gross in WO 97/23320 has a workholding apparatus with a chuck including a dampening ring (element 109).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

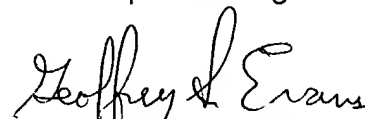
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571)-272-1171. The fax

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phone number for the organization where this application or proceeding is

assigned is (703)-872-9306.

GSE

A handwritten signature in cursive script, reading "Geoffrey S. Evans".

Geoffrey S. Evans
Primary Examiner
Group 1700